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DISTRICT OF NEVADA	
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## 7 UNITED STATES DISTRICT COURT

## 8 DISTRICT OF NEVADA

9  
 10 JUDY KROSHUS, et al., ) 3:08-cv-246-LDG-RAM  
 11 Plaintiffs, ) ORDER ON (# 460)  
 12 v. ) MOTION FOR ORDER PROVIDING  
 13 UNITED STATES OF AMERICA, et al., ) FOR CLAWBACK OF INFORMATION  
 14 Defendants. ) INADVERTENTLY DISCLOSED  
 15  
 16 ALICIA UHOUSE, et al., ) 3:08-cv-0285-LDG-RAM  
 17 Plaintiffs, )  
 18 v. ) ORDER ON (# 217)  
 19 UNITED STATES DEPARTMENT OF ) MOTION FOR ORDER PROVIDING  
 20 THE INTERIOR, et al., ) FOR CLAWBACK OF INFORMATION  
 21 Defendants. ) INADVERTENTLY DISCLOSED  
 22 BILL ADAMSON et al., )  
 23 Plaintiffs, ) 3:08-CV-621-LDG-RAM  
 24 v. ) ORDER ON (# 93)  
 25 UNITED STATES OF AMERICA, ) MOTION FOR ORDER PROVIDING  
 26 Defendant. ) FOR CLAWBACK OF INFORMATION  
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1 LARRY J. MOORE, et al., ) 3:09-CV-167-LDG-RAM  
2 )  
3 Plaintiffs, ) ORDER ON (# 81)  
4 v. ) MOTION FOR ORDER PROVIDING  
5 ) FOR CLAWBACK OF INFORMATION  
6 UNITED STATES OF AMERICA, ) INADVERTENTLY DISCLOSED  
7 )  
8 Defendant. )  
9 \_\_\_\_\_ )  
10 JAMES ADGETT, et al., ) 3:09-CV-649-LDG-RAM  
11 )  
12 Plaintiffs, )  
13 ) ORDER ON (# 42)  
14 v. ) MOTION FOR ORDER PROVIDING  
15 UNITED STATES OF AMERICA, ) FOR CLAWBACK OF INFORMATION  
16 et al., ) INADVERTENTLY DISCLOSED  
17 )  
18 Defendants. )  
19 \_\_\_\_\_ )  
20 BILL ADAMSON et al., )  
21 )  
22 Plaintiffs, ) 3:09-cv-715-LDG-RAM  
23 )  
24 v. ) ORDER ON (# 48)  
25 UNITED STATES OF AMERICA, ) MOTION FOR ORDER PROVIDING  
26 ) FOR CLAWBACK OF INFORMATION  
27 Defendant. ) INADVERTENTLY DISCLOSED  
28 \_\_\_\_\_ )

24 This matter came on for hearing before the Court on August  
25 3, 2010. There being no objection to the proposed order and good  
26 cause appearing therefor, IT IS HEREBY ORDERED AS FOLLOWS:  
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1           1. It is recognized that the prosecution  
2           and defense of these related actions will  
3           require each party to review and to disclose  
4           large quantities of information and documents  
5           through the discovery process. As a result,  
6           documents and images of documents already  
7           deposited or to be deposited with Sunshine  
8           Litigation Services ("Sunshine")  
9           inadvertently could include materials subject  
10          to privilege or other legally recognized  
11          protection (hereinafter "privileged  
12          information") and therefore not subject to  
13          disclosure in discovery. Such inadvertent  
14          disclosure of privileged information or  
15          documents is possible despite due diligence  
16          and reasonable care taken to protect  
17          privileged information.

18          2. Any party who has deposited materials  
19          with Sunshine may request the other parties  
20          to return privileged documents inadvertently  
21          produced with non-privileged documents. Such  
22          a request shall identify the document with  
23          particularity and state the privilege or  
24          protection being asserted and the basis for  
25          the asserted claim.

26          3. Any party who has deposited  
27          materials with Sunshine may assert a claim of  
28          privilege after receiving notice that another  
29          party intends to refer to, quote, cite, rely  
30          upon or otherwise use the material or  
31          information contained therein. In asserting  
32          such a claim of privilege, the depositing  
33          party shall at a minimum identify the  
34          document with particularity and state the  
35          privilege or protection being asserted and  
36          the basis for the asserted claim. Such a  
37          claim shall be made in a timely manner so  
38          that the claim of privilege may be challenged  
39          and any such challenge resolved without undue  
40          delay. A claim of privilege made within 21  
41          days after receiving such a notice shall be  
42          regarded as timely.

43          4. If a party does not agree with the  
44          assertion of a claim of privilege by a  
45          depositing party under paragraphs 2 or 3, it  
46          shall notify the depositing party within 14  
47          days after the receipt of the claim of  
48          privilege. The depositing party may, after  
49          meeting and conferring as required by

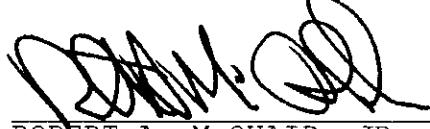
1 applicable rules, move the court for a  
2 determination of that claim. The failure of  
3 the depositing party to file such a motion  
4 within 30 days after receiving notification  
by another party of a disagreement regarding  
a claim of privilege shall operate as a  
waiver of the claim.

5 5. Once a document or information has  
6 been identified as privileged in accordance  
7 with paragraphs 2 or 3, no party shall in any  
8 way copy, reproduce, refer to, quote, cite,  
9 rely upon or otherwise use in any manner, any  
10 such document or its contents in any  
11 proceeding unless and until the Court  
12 determines that the document is not protected  
13 from discovery or the depositing party  
14 withdraws or waives the claim of privilege  
15 (except that the document or information may  
16 be identified or produced, under seal or in  
camera, in connection with a motion regarding  
the validity of the claim of privilege).

17 6. If the claim of privilege is upheld  
18 by the Court or the receiving party does not  
19 challenge the claim of privilege, all copies  
20 of the privileged documents so identified  
21 shall be returned to the depositing party and  
22 counsel for each party shall certify in  
writing to counsel for the depositing party  
that all such documents have been returned.

23 7. Inadvertent disclosure of any  
24 information or document which the depositing  
25 party later claims should not have been  
26 disclosed because of any privilege will not  
27 be deemed to constitute a waiver of the  
privilege. No parties shall claim or  
otherwise urge the Court to deem a privilege  
to have been waived solely on the basis of  
the inadvertent disclosure of the information  
or documents to which the privilege applies.

28 Date: Aug. 4, 2010



ROBERT A. MCQUAID, JR.  
United States Magistrate Judge

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## CERTIFICATE OF SERVICE

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It is hereby certified that service of the foregoing (proposed) ORDER ON MOTION FOR ORDER PROVIDING FOR CLAWBACK OF INFORMATION INADVERTENTLY DISCLOSED was made through the Court's electronic filing and notification or by sending a copy thereof by electronic mail from Reno, Nevada, addressed to the following addressee(s) on August 3, 2010.

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